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TO

Declare and define the power of Inspectors of Fisheries in  
Ireland with reference to free Gaps in Weirs. A.D. 1872.

- W**HEREAS by an Act passed in the sixth year of Her Majesty, the now Queen, intituled "An Act to regulate the Irish Fisheries," and the several Acts passed before the year one thousand eight hundred and sixty-three amending the same, power was given to the Commissioners executing the said Acts to prescribe and direct the position and dimensions of the Queen's and free gaps by the said Acts required to be made and maintained in certain weirs, dams, and dykes in rivers in accordance with the provisions in said Acts contained, and to determine disputes concerning the same :
- And whereas doubts have arisen whether such powers were vested in the Special Commissioners of Irish Fisheries or are now vested in the inspectors of fisheries with reference to the free gaps required in all fishing weirs by the provisions of the Salmon Fishery (Ireland) Act, 1863; and it is expedient to remove such doubts and to declare and define the powers of such inspectors of fisheries with regard to the said last-mentioned weirs and gaps :

Preamble.  
5 & 6 Vict.  
c. 105.

Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The inspectors of fisheries shall be deemed to have and shall exercise all the powers with reference to free gaps in fishing weirs in rivers which by the said recited Acts or any of them were vested in the Commissioners for executing said Acts as fully as if the provisions conferring such powers had been repeated and contained in the Salmon Fishery (Ireland) Act, 1863, and shall have power, by order duly made in accordance with the last-mentioned Act, to require and enforce the making of free gaps in the manner required

Inspectors to exercise powers of former Acts as to prescribing form of free gaps.

[Bill 186.]

A.D. 1873.

by the said last-mentioned Act, and to prescribe the position, dimensions, and form of such free gaps, and to determine all disputes concerning the same; and all such powers shall be exercised by them in accordance with the provisions of the said last-mentioned Act, and shall be subject to the appeal provided by same. 5

Gaps to be  
deemed legal  
if constructed  
accordingly.

2. When any free gap in any fishing weir shall have been made in compliance with the directions of the Special Commissioners of Irish Fisheries or of the inspectors of fisheries, or shall have been approved of by an order declaring the weir with such gap to be legal, the gap so made and constructed shall, so long as such order remains unreversed on appeal and unrescinded in manner hereinafter mentioned, be deemed to be the legal free gap required in such weir by the Salmon Fisheries (Ireland) Act, 1863; and any person liable to maintain such free gap and not maintaining same in the manner so directed or approved of by the said special Commissioners or inspectors shall be liable to the penalties provided by the said Act for not maintaining a legal free gap in such weir. 15

Inspectors  
may make  
new orders  
altering gap.

3. Whenever it shall appear to the inspectors of fisheries that by reason of any change in the bed or flow of the stream, or in any of the circumstances affecting same, any free gap in any weir has ceased to be in accordance with the requirements of the said Act, and it shall appear to them to be necessary for carrying out the intention of the said Act that a change should be made in same, it shall and may be lawful for the said inspectors from time to time either on their own motion or on the complaint of any person interested either as owner of the said weir or otherwise, and after due inquiry made, either to dismiss the complaint if any has been made, or if they shall so think fit to order and direct that all previous orders directing or approving of such gap should be rescinded, and further prescribing the changes to be made in such weir or gap so as to make same in the altered circumstances conformable to such Act, and to prescribe the position and dimensions of the new or altered gap, and unless and until such last-mentioned order shall be reversed on appeal or rescinded the free gap directed and prescribed thereby shall be deemed to be the legal free gap required in said weir by the Salmon Fisheries (Ireland) Act, 1863; and every person not constructing or maintaining same shall be liable to the penalties provided by the said Act for not constructing or maintaining a legal free gap in the said weir, and the inspectors shall have in reference to the free gap prescribed by such order all the powers conferred by the said several Acts or any of them for the purpose of enforcing the making of legal free gaps in weirs. 25 30 35 40

4. From and after the passing of this Act no prosecution or proceeding shall be instituted before justices of the peace against any person for not constructing or maintaining a legal free gap in any weir unless by the said inspectors or with their  
5 assent, such assent to be testified in writing under their seal.

5. This Act and the Salmon Fisheries (Ireland) Act, 1863, and the Act of the sixth year of the reign of Her Majesty, intituled "An Act to regulate the Irish Fisheries," and the several Acts amending such Acts, or either of them, shall be read together as  
10 one Act, and all the provisions relating to proceedings under the said Acts or any of them, and the orders of the Commissioners, and the appeal therefrom and the mode of enforcing such orders, shall, so far as same are now in force and are not inconsistent with this Act, be applicable to proceedings under this Act.

A.D. 1873.

Prosecutions  
not to be  
instituted  
without  
assent of  
inspectors.This Act to  
be read with  
Fishery  
Acts.

Fishery Inspectors  
(Ireland).

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BILL

To declare and define the powers of  
Inspectors of Fisheries in Ireland  
with reference to five Gaps in Weirs.

*(Prepared and brought in by  
Mr. Butt and Mr. Callan.)*

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*Ordered, by the House of Commons, to be Printed,  
22 April 1878.*

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[Bill 186.]

*Under 1 oz.*